

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

In re:

ROBERTO J. TORRES,

Debtor.

Case No. 06-11184-RGM
(Chapter 13)

MEMORANDUM OPINION

THIS CASE is before the court on the debtor's request for an extension of time within which to complete debtor counseling. The reason given, that the debtor was not aware of the requirement, is not a satisfactory reason. The pendency of a foreclosure action or other creditor action may be sufficient, however, in this instance the request does not set out the particulars which include the date of the foreclosure and the reason why the debtor could not have completed the debtor counseling requirement prior to the scheduled foreclosure. The debtor is reminded that the dismissal of a case is not normally with prejudice and that the debtor may re-file a new case. However, the filing of a second case has implications with respect to the automatic stay which may be terminated automatically in certain circumstances. The debtor should examine such provisions of the bankruptcy code. It is, therefore

ORDERED that the debtor file an amended request for an extension of time to file the debtor counseling certificate setting forth the information suggested above on or before October 22, 2006.

Alexandria, Virginia
October 12, 2006

/s/ Robert G. Mayer
Robert G. Mayer
United States Bankruptcy Judge

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